

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION, KNOXVILLE**

**TROY COOKE,** )  
                        )  
                        )  
**Plaintiff,**       )  
                        )  
                        )  
**v.**                   )      **Civil Action No. \_\_\_\_\_**  
                        )  
                        )  
**JAMES A. WEST, P.C., and**     )  
**JAMES A. WEST,**        )  
                        )  
**Defendants.**        )  
                        )

**COMPLAINT**

Comes Troy Cooke ("Cooke"), by counsel, and for his Complaint against James A. West, P.C. ("West") and James A. West, states as follows:

1.      Cooke is a citizen of Knox County, Tennessee.

2.      West is, upon information and belief, a foreign professional corporation that may be served with process upon the Secretary of State of Tennessee, who may forward process to James A. West, P.C., 6380 Rogerdale Road, Suite 130, Houston, TX 77072. West is a debt collector within the meaning of the Federal Fair Debt Collection Practices Act ("FDCPA"),<sup>15</sup> U.S.C. §1692 et. seq. James A. West is a debt collector within the meaning of the FDCPA,<sup>15</sup> U.S.C. §1692 et. seq. and may be served with process upon the Secretary of State of Tennessee, who may forward process to James A. West, 6380 Rogerdale Road, Suite 130, Houston, TX 77072.

3.      This Court has subject matter jurisdiction under 28 U.S.C. §1331 because this case presents a federal question arising under the FDCPA.

4. Shortly after February 13, 2008, Cooke received a dunning letter from West, a copy of which is attached as Exhibit 1. The letter identified West as a debt collector and informed Cooke that “[i]f you notify this office in writing within thirty (30) days of receipt of this notice, we will obtain verification of the debt and mail you a copy of such judgment or verification.”

5. On March 7, 2008, within 30 days of receipt, Cooke requested such information in writing through an email to jim.west@jawpc.com, a copy of which is attached as Exhibit 2.

6. West and James A. West maintain a website that has a domain name of www.jawpc.com. A copy of the homepage at that URL address is attached as Exhibit 3. That page recites that West and James A. West may be contacted at jim.west@jawpc.com. West and James A. West’s homepage also has a link titled “Attorney Profile.” Following that link takes one to the page of which a copy is attached as Exhibit 4.

7. West and James A. West’s homepage also has a link titled “Email.” Following that link takes one to the page of which a copy is attached as Exhibit 5. James A. West’s name is listed and clicking on that name immediately opens an email addressed to jim.west@jawpc.com.

8. West and James A. West did not send Cooke the information that they promised to send Cooke despite Cooke’s written request and, instead, in violation of the FDCPA, West continued to contact Cooke, making unlawful debt collection efforts through telephone calls to Cooke, and West and James A. West sent Cooke another dunning letter on March 18, 2008, a copy of which is attached as Exhibit 6.

9. West’s and James A. West’s communications in response to Cooke’s request for verification of the debt violated the FDCPA, in part because West and James A. West were obligated under the FDCPA to cease collection efforts upon receipt of Cooke’s request until they

provided the requested information; however, on March 18, 2008, and thereafter, West and James A. West continued their collection efforts and in an improper and unlawful manner.

10. West's communication(s) to Cooke also violated the FDCPA by misstating the amount of the alleged debt. Cooke received a January 31, 2008 letter from another debt collector, United Recovery Systems, LP, stating that the creditor would accept \$873.07. A copy of that letter is attached hereto as Exhibit 7. Even if that offer were only good for ten (10) business days, West's February 13, 2008 communication was sent within that ten (10) business-days timeframe and misstated the amount of the debt and deceptively omitted any mention of the apparently pending settlement offer.

11. Cooke is entitled to actual and statutory damages and attorneys' fees under the FDCPA.

WHEREFORE, Cooke prays that:

1. Process issue and West and James A. West be brought before the Court;
2. Judgment be entered against West and James A. West for violating the Federal Fair Debt Collection Practices Act; and
3. Cooke be awarded his actual and statutory damages, costs, and attorneys' fees and such other relief as is necessary and proper.

Respectfully submitted,

TROY COOKE

By: /s/ Martin B. Bailey  
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